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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-427

13 **LENEE LANDER, AKA**
14 **LENEE ANNE LANDER**
1111 Lexington Avenue, #1713
Flower Mound, Texas 75028-8378

A C C U S A T I O N

15 **Registered Nurse License No. 645874**

16 Respondent.

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18 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about October 4, 2004, the Board issued Registered Nurse License
24 Number 645874 to Lenee Lander, also known as Lenee Anne Lander ("Respondent"). The
25 Registered Nurse License expired on December 31, 2005, and has not been renewed.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline)**

3 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),
4 on the grounds of unprofessional conduct, in that effective October 27, 2011, the State of Texas
5 Board of Nursing, in a disciplinary action entitled *In the Matter of Registered Licensed Nurse*
6 *License Number 626306 Issued to Lenae Lander*, issued an *Agreed Order* (attached hereto as
7 Exhibit A and incorporated herein by reference) suspending Respondent's license to practice
8 professional nursing in the State of Texas for two years. Said suspension was stayed and
9 respondent was placed on probation with terms and conditions for two years. The disciplinary
10 action was based on Respondent's intemperate use of controlled substances or chemical
11 dependency. Additionally, the Texas Board of Nursing found that Respondent had provided false,
12 deceptive, and/or misleading information on her application and renewal forms for a licensed
13 registered nurse in the State of Texas.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Procuring License by Fraud, Misrepresentation, or Mistake)**

16 9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (b), in
17 that Respondent procured her registered nurse license by fraud, misrepresentation, or mistake,
18 when she certified on or about January 21, 2004, the truthfulness of all statements, answers, and
19 representations in her application for a registered nurse license under penalty of perjury.
20 Respondent checked "No", to the question, "Have you ever been convicted of any offense other
21 than minor traffic violations?" In fact, in Tarrant County, Texas, Respondent was convicted of
22 Cause No. 0290711 (driving under the influence – liquor), which she committed on or about
23 September 1, 1986.

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1 **PRAYER**

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 645874, issued to Lenee
5 Lander, also known as Lenee Anne Lander;

6 2. Ordering Lenee Lander, also known as Lenee Anne Lander, to pay the Board of
7 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
8 pursuant to Code section 125.3; and,

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: November 27, 2012 *for* Stacie Bern
11 LOUISE R. BAILEY, M.ED., R.N.
12 Executive Officer
13 Board of Registered Nursing
State of California
Complainant

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EXHIBIT A

Agreed Order, Eff. October 27, 2011

In the Matter of Registered Licensed Nurse License Number 626306 Issued to Lenee Lander
State of Texas Board of Nursing

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Licensed Nurse	§	AGREED
License Number 626306	§	
issued to LENE L LANDER	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that LENE L LANDER, hereinafter referred to as Respondent, Registered License Number 626306, may have violated Article 4525(b)(2)&(9), TEX. REV. CIV. STAT., (eff. 09/01/1995); and Section 301.452(b)(2)&(10), Texas Occupations Code.

An informal conference was held on June 7, 2011, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Nancy Roper Willson, Attorney at Law. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Earl E. Stearns, CFE, Supervising Investigator; and Barbara Darling, Administrative Assistant III.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Diploma in Nursing from Baptist Health System, San Antonio, Texas, on December 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on February 21, 1996.

5. Respondent's nursing employment history includes:

01/96 - 01/97	Med/Surg RN	St Luke's Baptist Hospital San Antonio, Texas
01/97 - 03/98	RN Case Manager	GCI Home Health San Antonio, Texas
03/98 - 12/98	RN Case Manager	IHS Home Care San Antonio, Texas
01/99 - 09/00	RN Case Manager	Home Health Plus San Antonio, Texas
09/00 - 09/01	Field RN Case Manager	Vitas Hospice San Antonio, Texas
09/01/01 - 02/12/04	RN Staff	Christus Santa Rosa Medical Center San Antonio, Texas
02/13/04 - 07/30/04	Not Employed in Nursing	
07/31/04 - 10/15/05	PACU RN Staff/Ortho Neuro	Arlington Memorial Hospital San Antonio, Texas
10/17/05 - 08/31/07	PACU RN Staff	Christus Santa Rosa Hospital City Centre San Antonio, Texas
09/07	Not Employed in Nursing	
10/07 - Present	PACU RN/Radiology Sedation RN	Children's Medical Center - Dallas Dallas, Texas

6. On or about August 18, 1983, Respondent entered a plea of Guilty to DRIVING WHILE INTOXICATED (a misdemeanor offense committed on June 21, 1983), in the County Criminal Court No. 2 of Tarrant County, Texas, under Cause No. 215116. As a result of the plea, the proceedings against Respondent were deferred and Respondent was placed on probation for a period of two (2) years. In addition, Respondent was ordered to pay a fine and court costs.

7. On or about November 21, 1995, Respondent submitted an Application for Initial Licensure for Graduates of Schools in the United States to the Board of Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or misleading information in that she answered "No" to the question:

"Have you ever been convicted of a crime other than minor traffic violations?"

Respondent failed to disclose that on or about September 1, 1986, Respondent was arrested by the Arlington Police Department, Arlington, Texas, and charged under Cause No. 0290711 with DRIVING UNDER THE INFLUENCE - LIQUOR. Respondent also failed to disclose that she was subsequently convicted and placed on probation in Tarrant County, Texas until April 28, 1989, for the same offense.

8. In response to Finding of Fact Number Seven (7), Respondent states: She had been drinking with friends, and while driving home was stopped by an officer for not coming to a complete stop at the stop sign. Respondent states she weighed ninety-nine (99) pounds and could not handle very much liquor, especially if she didn't eat.
9. On or about May 11, 2009, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED REPETITION (a Class A misdemeanor offense committed on February 4, 2009), in the County Criminal Court No. 4 of Tarrant County, Texas, under Cause No. 1145314. As a result of the conviction, Respondent was sentenced to confinement in the Tarrant County Jail for a period of thirty (30) days. Additionally, Respondent was ordered to pay a fine and court costs.
10. In response to Finding of Fact Number Eight (8), Respondent states she was diagnosed with ADHD, and is prescribed Welbutrin - an antidepressant. Respondent states she went to a restaurant, alone, to listen to music and have some beers. She did not eat, and stayed there for about three (3) hours. Respondent also states this was the first time she had even taken the medication, and is not sure if it caused an increase of anxiety being that she was also drinking alcohol and had no food in her system. When Respondent left the restaurant, she was pulled over by the police and charged with DWI.
11. On or about November 10, 2009, Respondent submitted a License Renewal Form to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"In the past 5 years, have you been addicted or treated for the use of alcohol or any drug? (You may answer "No" if you have completed and/or are in compliance with TPAPN)"

Respondent failed to disclose that on or about April 1, 2009, Respondent was admitted into the North Pointe Family Center, Denton, Texas, for MDD recurrent; severe without psychosis; Alcohol Abuse; and ADHD by hx. Respondent's anticipated discharge was on or about May 22, 2009.

12. On May 8, 2009, Katie Hilton, LMSW of North Point Family Center, Texas, submitted a letter stating that Respondent was admitted into the Women's outpatient partial hospitalization program on April 21, 2009. Respondent was diagnosed with MDD recurrent, severe without psychosis; Alcohol Abuse; ADHD by hx. Respondent was making consistent progress while in treatment identifying and applying effective health coping skills. Respondent made consistent progress processing her thoughts and feelings. Respondent reported participating in a 12-step program in addition to being in the women's program. The Respondent's anticipated discharge date was May 22, 2009.
13. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Article 4525(b)(2)&(9), TEX. REV. CIV. STAT., (eff. 09/01/1995), Section 301.452(b)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(6)(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 626306, heretofore issued to LENEE LANDER, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 626306, previously issued to LENEE LANDER, to practice nursing in Texas is hereby SUSPENDED for a period of two (2) years with the said suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in

the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.*, and this Order.

(2) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder;

and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT

THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency.

RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) years of employment as a nurse.

(9) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(10) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period,

random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(11) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to

submit written reports, on forms provided by the Board, as to the RESPONDENT'S progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the RESPONDENT'S stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of probation period, or until RESPONDENT is dismissed from therapy.

(12) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

RESPONDENT'S CERTIFICATION

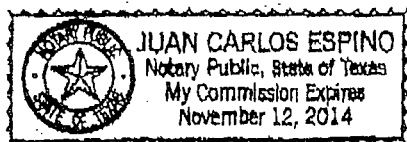
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19 day of September, 20 11.

LENEE LANDER
LENEE LANDER, Respondent

Sworn to and subscribed before me this 19 day of September, 20 11.

SEAL



Notary Public in and for the State of Texas

new
Approved as to form and substance.

Nancy Roper Wilson
NANCY ROPER WILSON, Attorney for Respondent

Signed this 20th day of September, 20 11.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19th day of September, 2011, by LENE LANDER, Registered Nurse License Number 626306, and said Order is final.

Effective this 27th day of October, 2011.



Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

I certify this to be a true copy of the records on file with the Texas Board of Nursing.

Date:

Signed:

12-8-11
Barbara Darling